



Joseph E. Kernan  
Governor

Lori F. Kaplan  
Commissioner

February 2, 2004

100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015  
(317) 232-8603  
(800) 451-6027  
[www.in.gov/idem](http://www.in.gov/idem)

TO: Interested Parties / Applicant

RE: Rexam Beveridge Can Company / 127-16396-00030

FROM: Paul Dubenetzky  
Chief, Permits Branch  
Office of Air Quality

## Notice of Decision: Section 112(j) Applicability Determination

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5(f) this order is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective eighteen (18) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for a stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) the date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons with particularity, for the request;
- (5) the issues, with particularity, proposed for consideration at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosure  
FN-112jdet.dot 9/16/03



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*

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February 2, 2004

Mr. Geoffrey A. Wortley      61-50 DW  
Rexam Beverage Can Company  
4001 Montdale Park Drive  
Valparaiso, IN 46383

Re:      Response to Review Request No. 16396:  
Section 112(j) Applicability Determination  
Plant ID: 127-00030

Dear Mr. Wortley:

Rexam Beverage Can Company, located at 4001 Montdale Park Drive in Valparaiso, Indiana, submitted a request for an applicability determination regarding the requirements of Section 112(j) of the Clean Air Act (CAA) on May 13, 2002. The letter was submitted in accordance with 40 CFR 63.52(d)(1) and requested that the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) determine if Rexam Beverage Can Company is subject to the requirements of Section 112(j) (40 CFR 63.50 through 63.56) for the Metal Can Surface Coating Industry source category.

Pursuant to 40 CFR 63.50, the requirements of Section 112(j) will apply only if your entire source is a major source of hazardous air pollutants (HAPs) and one or more of your processes or emissions units belong in a category or subcategory for which the United States Environmental Protection Agency (U.S. EPA) has failed to promulgate an emission standard on or before the Section 112(j) deadline. IDEM, OAQ has determined that your source is not subject to Section 112(j) for the Metal Can Surface Coating Industry source category. An explanation of this determination is provided below.

The information submitted in the Part 1 MACT Application indicates that Rexam Beverage Can Company is not a major source of HAPs. In addition, the Title V permit, T127- 7651-00030, for Rexam Beverage Can Company, issued on January 12, 1999, indicates that the source is not a major source of HAPs. Since Rexam Beverage Can Company is not a major source of HAPs, the source does not meet both applicability criteria of 40 CFR 63.50; therefore, Rexam Beverage Can Company is not subject to the requirements of Section 112(j). IDEM, OAQ is issuing this letter pursuant to 40 CFR 63.52(e)(2)(i) to notify Rexam Beverage Can Company that the requirements of Section 112(j) do not apply and no further action is necessary.

This determination is based on the information provided by Rexam Beverage Can Company, IDEM, OAQ records, and the information currently available from the U.S. EPA. Note that if additional equipment or capacity is added or operational practices are changed (e.g., switching solvents from a solvent that contains no HAPs to a solvent containing HAPs), the Section 112(j) requirements may be triggered in accordance with 40 CFR 63.52(b). If the events described in 40 CFR 63.52(b) occur at the source, Rexam Beverage Can Company shall submit a Part 1 MACT Application in accordance with the requirements and schedule contained in 40 CFR 63.52(b).

Questions should be directed to Kim Cottrell, IDEM, OAQ, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana, 46206-6015, or call (800) 451-6027 and ask for Kim Cottrell at extension 3-0870, or dial (317) 233-0870.

Sincerely,

Original Signed by Paul Dubenetzky

Paul Dubenetzky, Chief  
Permits Branch  
Office of Air Quality

KLC

CC: File - Porter County  
Porter County Health Department  
Air Compliance – Ramesh Tejuja  
Northwest Regional Office  
Enviroplan Consulting – Rajesh Thotakura  
Administration Section  
U.S. EPA Region V – Genevieve Damico